

(SRI KADIDAL MANJAPPA.)
exercisable by the Revenue Commissioner, the Muzrai Commissioner, the Commissioner for Land Records, the Excise Commissioner, the Commissioner for Sales Tax, the Commissioner for Local Self-Government and the Commissioner for Stamps. It will also exercise all appellate and revisional powers exercisable by the Government under various other enactments against the original orders passed by the Revenue Commissioner, the Muzrai Commissioner, the Commissioner for Land Records, the Excise Commissioner, the Commissioner for Sales Tax and the Commissioner for Local Self-Government. The Board will also exercise such other powers as may be assigned to it under any enactment. Government may, subject to such conditions, confer or entrust upon the Board additional powers and functions. It is proposed to provide for calling reports from the Board wherever the Government finds it necessary. How the Board has to exercise the powers will be matters which will be described in the rules. Provision for revision against the orders of the Board to the Government is provided for in some cases.

There is also provision for the Board to review its own orders in certain circumstances. I think this is a non-controversial measure. It is necessary in the interest of the general public as well as in the interest of the Government itself. I hope that this measure will get your unanimous approval.

ADJOURNMENT MOTION.

Accident during Dasara Procession.

Mr. DEPUTY SPEAKER.—I think we will now take up the adjournment motion. I will read it once again for the benefit of the Hon'ble Home Minister.

This adjournment motion has been tabled by Sri Mulka Govinda Reddy. It is as follows :—

“This House do now stand adjourned to discuss a definite matter of urgent public importance

and of recent occurrence, to wit, the failure of the Government to take adequate steps during the Dasara procession at Mysore on the 7th October 1954, resulting in the death of one person and several injured.”

(SRI MULKA GOVINDA REDDY rose)

Mr. DEPUTY SPEAKER.—If the Hon'ble Minister wants to make a statement before I decide upon the admissibility or otherwise of the motion, I would like to hear him first and then the Hon'ble Member.

Sri H. K. VEERANNA GOWDH (Maddur).—Sir, on a point of clarification. It is doubtful whether the matter is placed before the House at all, because the Chair has not admitted it as yet.

Mr. DEPUTY SPEAKER.—I have not admitted it as yet.

Sri H. K. VEERANNA GOWDH.—So, is it not better for us to listen first to the mover of the motion and then the Home Minister may make a statement? There is nothing for the Home Minister to make a statement now without our knowing what the facts are.

Mr. DEPUTY SPEAKER.—My difficulty is this. Supposing the Home Minister makes a statement satisfactory to the mover, then he may not press for its admissibility—I do not know. If he convinces him, then there will be no need for him to move his motion. So, it is better that the concerned Minister makes a statement on such an important adjournment motion tabled. It is the Minister who will be in a position to make a statement. In spite of the statement, if the mover still wants to press his motion on his own grounds, then the Chair will be in a position to give a ruling. But, if according to you, the mover is given an opportunity now to speak, then again the Minister may want an opportunity to make a statement and then upon that statement the mover may like to say something more. That is why I say.....

Sri H. K. VEERANNA GOWDH.—But, a discussion may ensue on the statement by the Minister.

Mr. DEPUTY SPEAKER.—No. Unless I admit the adjournment motion, there cannot be any discussion.

Sri H. K. VEERANNA GOWDH.—The mover of the motion has got to make out a case for the admissibility of the motion. Then I feel that the Home Minister is to be called upon to make a statement if that is necessary.

Sri J. MOHAMED IMAM (Jagalur).—I rise to a point of order. The Chair has definitely given a ruling that the Home Minister shall make a statement. In pursuance of the direction given by the Chair, I request the Hon'ble Home Minister to make his statement.

Mr. DEPUTY SPEAKER.—He has not said anything against.

Sri J. MOHAMED IMAM.—The Chair has given a ruling already.

Mr. DEPUTY SPEAKER.—The Hon'ble Member is only making a suggestion.

* **Sri A. BHEEMAPPA NAIK (Molakalmuru).**—I beg to suggest that there are two sides to this case. One is, the Home Minister is saying that the motion is not admissible; that is one thing. But the Minister making a statement as to what has happened is quite a different thing. Therefore, before the Home Minister makes a statement or takes a definite stand as to its admissibility or otherwise, it is for the mover of the motion to make out a case in the first instance, that the matter is of recent occurrence and is of public importance and is urgent. Without making out a case, it should not be proper for the Home Minister to make any statement or take any definite stand. So I would suggest that the mover of the motion may kindly be allowed to show how the matter is urgent and is admissible. Then the Minister can oppose it. Even when he opposes, if he makes a statement satisfactory to the mover, he (the mover) may not press it later even though it is of recent occurrence. Therefore it is necessary that the mover should make out a case before it is taken up for discussion. That is usual.

Sri H. SIDDAVEERAPPA (Minister for Home and Industries).—Sir, may I make a statement?

Mr. DEPUTY SPEAKER.—Just one minute. Sri Bheemappa Naik, I would suggest to you to clarify your position. The Home Minister is not going either to oppose or support the motion. He is not going to give a ruling whether it is admissible or not. It is the Chair that does it.

Sri A. BHEEMAPPA NAIK.—It is not his giving a ruling, Sir. He can also oppose it and say that the motion is not admissible.

Mr. DEPUTY SPEAKER.—But this is not the stage at which he can oppose it. This is an important matter on which he has got to say something in the form of a statement. The mover will certainly be given an opportunity to say what he wishes to say on the adjournment motion.

Sri A. BHEEMAPPA NAIK.—The rule or the convention all along is that the mover makes the motion and it is for him to say how the matter is urgent and clarify the position and then leave it to the Minister concerned either to accept it or reject it. This has been the practice all along.

Sri H. SIDDAVEERAPPA.—May I make a statement?

Mr. DEPUTY SPEAKER.—Yes.

Sri H. SIDDAVEERAPPA.—During the time of your predecessor, when such questions used to come up, the practice was to call upon the Minister concerned to make a statement and then it was for the Chair to decide whether to admit the motion or not. We have today followed the same procedure.

Mr. DEPUTY SPEAKER.—I think there is nothing wrong in it.

Sri H. SIDDAVEERAPPA.—Sir, the adjournment motion tabled by the Hon'ble Member for Chitaldrug is to the effect that the unhappy and unfortunate incident that happened on 7th October 1954 to which I will presently advert, happened as a result of the failure of this Government to take adequate steps during the Dasara procession at Mysore on 7th October 1954. No doubt it is a matter, as you were pleased to observe already, of great importance and of recent occurrence. My statement now before the House will be to confine myself only to this aspect of it, namely

* Indicates that the speech has not been revised by the Member concerned.

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whether the unfortunate incident happened as a result of the failure of the Government to take adequate steps during the Dasara procession. Briefly, Sir, I will recapitulate for the convenience of the House certain salient facts concerning this incident. To begin with I refer to the Press Note issued by the Deputy Commissioner of Mysore District on 8th October 1954.

Sri H. K. VEERANNA GOWDH.—Sir, may I submit, that the Home Minister is answering the charges against the Government? That means, indirectly before the motion is admitted, he is answering. But the motion is not admitted.

Mr. DEPUTY SPEAKER.—I think the Hon'ble Minister may merely make a statement. As the Hon'ble Member says the motion is not before the House for discussion as yet. You can merely make a statement on the incident. The question of admissibility will come later on.

Sri H. SIDDAVEERAPPA.—Sir, I am making only a statement of fact. The facts concerning that incident on 7th October 1954 have been detailed and catalogued in the Press Note issued by the Deputy Commissioner, Mysore District on 8th October 1954. I need not dilate much upon it. This incident happened on 7th October 1954 as a result of bullocks that were drawing the gun carriage to the Banny Mantap on 7th October 1954 getting frightened by the noise of the aeroplane which flew very low. The bullocks ran helter skelter thus causing this unhappy incident. Since the bullocks began to run away with the cart yoked on, naturally there was a general stampede. This incident happened right in the middle of the Sayyaji Rao Road where thousands of people had thronged to witness the Dasara procession on that day. In the general stampede that ensued 33 persons received injuries. 25 of them were admitted as in-patients and 8 were treated as out-patients. Out of the 25 that were admitted as in-patients, unfortunately one died in the hospital at 4-20 p. m. and the remaining

continued to be in-patients in the hospital. One on the very same day got discharged in spite of medical advice; two have been subsequently discharged on 10th October 1954 and the remaining continued to be in-patients in the hospital. Out of those that remained in-patients the doctor's opinion is that seven of them have received fractures. And all the fractures are simple ones. Two have received serious lacerated injuries while the rest are all simple injuries. These fractures, according to medical opinion, are as a result of the general stampede that ensued and not due to any direct impact of the bullocks or coming in contact with the gun-carriage. The Doctors have further assured that all of them have got over the serious stage and according to their opinion some of them may have to stay in the hospital for a period of one week. In this connection, it may not be out of place for me to mention that immediately after this incident took place, medical aid was provided. The District Superintendent of Police and the First Class Magistrate who was on duty in that particular area got a private car, the D.S.P.'s car and a police van and immediately sent the injured to the hospital for treatment. Prompt action was taken almost within a few minutes. This is so far as injuries are concerned. But as to how exactly it has happened, is a matter on which I would like to place certain facts before this House.

This incident, Sir, arose out of the bullocks getting frightened on account of the aeroplane flying at a low level. This low level flight was arranged by the Hindustan Aircraft, Ltd., Bangalore as an adjunct to the activities of the Dasara Exhibition. It is worthwhile in this connection to note that the District Magistrate, as early as 24-9-54 forewarned, as it were, that it may not be advisable to have acrobatic flights and low level flights especially at a time when there will be lakhs of people gathered in Mysore during Dasara.

Further Sir, I am given to understand that this flight was by one Squadron Leader S. Singh of the Indian Air Force and the plane was bearing registration No. 9 of 488.

Sri J. MOHAMED IMAM.—Whose plane was it ?

Sri H. SIDDAVEERAPPA.—Indian Air Force Plane. It is mentioned that the plane left Mandakalli Aerodrome on or about 3 p.m. and was forced to ground at 3-55 p.m. on account of an alarm given by the Palace Authorities as well as by the Police. It is mentioned, Sir, that the height at which this plane was flying, to a layman's estimate, was about 100 feet—as low as that. But anyway it may be stated without fear of contradiction, that the plane was flying at least within thousand feet which is the minimum height prescribed in the Indian Aircraft Rules, where flying below thousand feet is prohibited under rule 23 of that Act. I may also mention here in this connection that this flight and this unhappy incident took place more than an hour before the actual Dasara procession commenced. Dasara Procession, if I remember correctly, started from the Palace at about 4-16 p.m. This incident took place between 3 and 3-30 p.m.

Sri H. K. VEERANNA GOWDH.—The gun-carriage was not part of the procession ?

Sri H. SIDDAVEERAPPA.—The actual procession I am referring to commenced when His Highness climbed the Ambari on the elephant in the Palace precincts. It may be worthwhile in this connection to refer to a Press statement issued by Sri H. N. Pallegar, Huzur Secretary to His Highness the Maharaja, which is reported in the "Deccan Herald" dated 10th October 1954, wherein it is stated that long before this incident happened, when the same plane was flying over the Palace even the elephant on which the 'Howdah' was fixed became panicky. It was feared that even that may go out of control. And immediately, as soon as that matter was known, the aerodrome was contacted and asked to stop the plane flying over the Palace. Unfortunately, instead of stopping flying, the pilot diverted his attention towards Sayyaji Rao Road. It is mentioned, while ascending, the plane produced such a terrific noise as to scare away the bulls, etc :

"The elephant on which the Howdah was being fixed was feeling very restless because of the noise of the plane and was not standing steadily in one place. I had to telephone to the aerodrome and request the officer-in-charge to instruct the pilot of the plane to withdraw from the area over the Palace immediately in order to keep the *ambari* elephant calm and steady."

Hence this my version makes probable. Of course, I am not called upon to make a statement. I am only placing the facts that the bullocks were scared away on account of acrobatic feats done by this pilot. I am also given to understand that the same bullocks were being made use of for the last several years to haul this gun-carriage. They were sturdy animals—Sindhi bulls, well built and as soon as they were scared away, it was not possible for the driver and his assistants to control them.

Apart from these things, Sir, it is very doubtful whether in the Indian Air Force Act, this flight was admissible according to rules. In this connection, the District Magistrate has contacted the authorities and has issued a 'show cause' notice to explain the circumstances under which the plane was flying on that day in Mysore. The matter is yet under correspondence.

With regard to the steps taken by the Government to attend to the injured, the Chief Minister and I visited the hospital the next day and instructed the doctors and others to give proper medical treatment. The Deputy Commissioner has issued an order on 9th October 1954 stating that the attendants will have to be fed at Government cost. Not only that, if they wanted any help from their homes, they were allowed to bring those that can help them at Government cost. Further, transport facilities will be arranged for them to reach their homes as soon as they are completely recovered. Necessary amount has been kept at the disposal of the authorities to attend to these. I have placed all these facts before you and the House in order to show what exactly happened

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on that day. I am quite sure that nowhere the officers or those who arranged the procession come into the picture. Much as the Government deplore the unhappy and the unfortunate incident, the officers of Government do not come into the picture at all. It happened purely as an accident far beyond the control of the officers.

Sri Mulka GOVINDA REDDY.—Sir, I never expected . . .

Sri M. MADIHA (Nanjangud Scheduled Castes).—Sir, on a point of order. The Hon'ble Member who has sponsored the motion should be allowed to speak only when the motion is taken up for discussion. If the Chair rules that the motion is in order under rule 43 of the Rules of Business of the House, then only the Hon'ble Member who has sponsored the motion should be allowed to make his observations. If objection is taken by any side of the House, then the permission of the House should be sought. I want to know whether the motion is declared to be in order, before Sri Mulka Govinda Reddy proceeds further.

Mr. DEPUTY SPEAKER.—I have asked Sri Mulka Govinda Reddy to speak only on the question of admissibility, not on the question of merits. You please leave it to me.

Sri J. MOHAMED IMAM.—Sir, with due deference to the Ex-Deputy Speaker of olden days, I must submit that when the Hon'ble Home Minister has made a statement in accordance with the permission given by the Chair, then the mover of the Adjournment motion can to a reasonable extent be allowed to go into the merits. He must also be given an opportunity.

Mr. DEPUTY SPEAKER.—I have asked the mover of the motion to ventilate his views.

2 P.M.

Sri Mulka GOVINDA REDDY.—Sir, the motion for adjournment that has been tabled by me is in order for the following reasons. The incident that occurred on 7th October 1954 at Mysore is of recent occurrence and is definite. It is a matter of public importance for this reason that this

Dasara procession is being organized every year for the last so many years.

Sri H. K. VEERANNA GOWDH.—Not every year.

Sri Mulka GOVINDA REDDY.—Last year, it was stopped due to some other reason. Anyway, the public of Mysore and people from outside come to Mysore during Dasara and participate in the celebrations and procession, so much so it is of public importance. I never expected that the Home Minister would go to the extent of defending or of saying that there was no failure on the part of the authorities in preventing such a calamity. That is not an occasion to defend the action of Government and to say that there was no failure and they did everything to see that such a thing did not happen. The action they have taken after the incident is not before the House. No doubt, they have visited the hospital and consoled the injured and their families and gave facility and help to them; they have done that; it is really admirable. But that is not the point at issue. The point is, that Government have failed to take adequate steps by which they could have prevented this calamity. Therefore, Sir, this is a motion admissible under the rules. According to the statement of the Minister himself, the District Magistrate on 24-9-1954 had warned the aerodrome authorities that such a flight should not be resorted to. Therefore, Government did not take adequate precaution; they could have easily prohibited the flying of the plane on that particular day.

Sri A. BHEEMAPPA NAIK.—Sir, the Member is trying to argue the case which he should not. He has stated how the matter is of public importance and it is for the Speaker to give a ruling whether it would be taken up for consideration and if so, at that time. This is not a stage where he can make out a case for this motion.

Sri Mulka GOVINDA REDDY.—Because the Home Minister made a detailed statement defending the Government, I had to make this statement.

Mr. DEPUTY SPEAKER.—Sri Veeranna Gowdh raised an objection that there was no precedent of this kind.

Sri H. K. VEERANNA GOWDH.—I did not say anything about the precedents. A doubt arose in my mind whether it was in order if a statement is to be made by the Home Minister even before the mover of the motion made out a case for the admissibility of the motion.

Mr. DEPUTY SPEAKER.—Anyway, there is a precedent. I want to bring to your notice that a similar motion was tabled by Sri Mulka Govinda Reddy himself some time past and the present procedure was adopted.

Sri H. K. VEERANNA GOWDH.—That is all right, Sir.

Sri S. GOPALA GOWDA (Sagar—Hosanagara).—When an adjournment was tabled by me regarding Mattedoddi, the Speaker himself admitted that he adopted an incorrect procedure in allowing the Minister to make a statement.

Mr. DEPUTY SPEAKER.—Now, I have examined all aspects of the question. I think the matter is of importance; there is no doubt. Since it was important, I asked the concerned Minister to make a statement which he did accordingly. The mover of the motion has also explained the case. Though the matter is of importance, it is not very urgent in the sense, that it should be permitted to interfere with the normal work of the House. So, I rule the adjournment motion out of order.

MYSORE BOARD OF REVENUE BILL, 1954.

Motion to consider. (contd.)

Sri A. BHEEMAPPA NAIK (Molakalmuru).—Sir, I want to know whether the Revenue Board Bill has been brought here for the consideration of the House now alone.

Mr. DEPUTY SPEAKER.—The Minister has moved the consideration motion; I will put it now.

Motion moved :

“That the Mysore Board of Revenue Bill, 1954, be taken into consideration.”

* **Sri A. BHEEMAPPA NAIK.**—Sir, this is really a very important measure and I must congratulate the Government for having brought this. This will not only lighten the work of the Minister but it will quicken the pace of the judgment. But, Sir, as it stands now, instead of quickening the pace, the Bill certainly works the other way. Here, the authority that sits in judgment over the orders of the Deputy Commissioner also becomes the authority sitting in judgment over the appellate side. I do not know whether there is such a provision anywhere. The Board consists of the Revenue Commissioner, the Excise Commissioner and the Commissioner for Local Self-Government. If one or the other officer is on tour, instead of these appeals being disposed of in months, years may be taken. The very objects with which we urged for the constitution of such a Board will be nullified by putting these officers in the Board. It is very strange that an authority who decides a particular case, himself becomes the appellate authority. The status of the Board is to decide appeals or revisions against the orders of the State officers, not the Deputy Commissioner. The powers of the Revenue Commissioner is to decide appeals against the orders of the Deputy Commissioner. The Board is given that power now. Then, what about the Revenue Commissioner? Is he relieved of the work that he is doing at present or does he sit in judgment over the orders of the Deputy Commissioner and again sit in judgment in the Board over his own orders passed as the appellate authority? This is not clear. There will be three members in the Board. One or the other will be on tour. Or, before they fix up their touring programme, they must consult each other to fix up their tour and nobody will agree for a definite time because each will have to go at different times. Therefore, the sitting of the Board